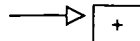


Please type a plus sign (+) inside this box



PTO/SB/01 (12-97)

Approved for use through 9/30/00.OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | |
|--|------------------------|--------------------|
| DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input checked="" type="checkbox"/> Declaration Submitted with Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required) | Attorney Docket Number | 29117-705.201 |
| | First Named Inventor | Nathaniel E. David |
| | COMPLETE IF KNOWN | |
| | Application Number | Unknown |
| | Filing Date | Herewith |
| | Group Art Unit | Unknown |
| | Examiner Name | Unknown |

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMPOSITIONS AND METHODS TO INCREASE THE EFFECT OF A NEUROTOXIN TREATMENT

(Title of the Invention)

the specification of which

☒ is attached hereto
OR

☐ was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
| | | | <input type="checkbox"/> | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto:

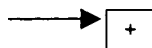
I hereby claim the benefit under 35 U.S.C. 119(h) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto. |
|-----------------------|--------------------------|--|
| | | |

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Please Type a plus sign (+) inside this box



PTO/SB/01 (12-97)

Approved for use through 9/30/00.OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of the application is not designated in the prior United States or PCT international application in the manner provided by the first paragraph of 31 U.S.C. 112. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|------------------------------------|---|
| | | |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☒ Customer Number 021971 

OR

☐ Registered practitioner(s) name/registration number listed below

Place Customer
Number Bar
Code Label here

| Name | Registration Number | Name | Registration Number |
|------|------------------------|------|------------------------|
| | | | |

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

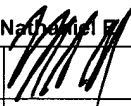
Direct all correspondence to: ☒ Customer Number 021971 OR ☐ Correspondence address below

| | | | | | |
|---------|----------------------------------|-----------|--------------|-----|--------------|
| Name | Maya Skubatch | | | | |
| Address | Wilson Sonsini Goodrich & Rosati | | | | |
| Address | 650 Page Mill Road | | | | |
| City | Palo Alto | State | CA | ZIP | 94304 |
| Country | U.S. | Telephone | 650-493-9300 | Fax | 650-493-6811 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

| Given Name (first and middle (if any)) | | Family Name or Surname | |
|--|--|------------------------|---------------------|
| Nathaniel R.  | | David | |
| Inventor's Signature | | | Date <u>3/25/04</u> |
| Residence: City | San Francisco | State | CA |
| Country | 94105 | Citizenship | U.S. |
| Post Office Address | 85 Natoma, #3, San Francisco, CA 94105 | | |
| Post Office Address | | | |
| City | San Francisco | State | CA |
| ZIP | 94105 | Country | U.S. |

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto:

POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR
UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS

The undersigned ASSIGNEE of the entire interest in:

- ☒ for which application is attached hereto.
☐ U.S. application no. ___, filed on

hereby appoints the following attorneys of Wilson Sonsini Goodrich & Rosati:

| Attorney Name | Reg. No. | Attorney Name | Reg. No. |
|-----------------|----------|-------------------|----------|
| Vern Norviel | 32,483 | Scott Morris | 43,818 |
| James Shay | 32,062 | Maya Skubatch | 52,505 |
| Michael Barclay | 32,553 | Nicole Fortuné | 52,905 |
| Michael Murphy | 37,404 | Shirley Chen | 44,608 |
| U.P. Peter Eng | 39,666 | Julie Holloway | 44,769 |
| George Willman | 41,378 | Kevin Sin | 43,110 |
| Anie Roche | 50,512 | Michael Panepucci | 37,203 |
| Benjamin Glenn | 44,713 | | |

and all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

(complete one of the following)

- ☒ a copy of an Assignment attached hereto, which Assignment the Application has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or
- ☐ the Assignment recorded on ___ at reel ___, frames ___-___.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all correspondence and telephone calls to:

| | | | | | | |
|---------|------------------------------------|-----------|----------------|-----|----------------|----------------------|
| Name | Maya Skubatch | | | | | |
| Address | Wilson Sonsini Goodrich and Rosati | | | | | |
| Address | 650 Page Mill Road | | | | | |
| City | Palo Alto | State | CA | Zip | 94304 | Customer No.: 021971 |
| Country | USA | Telephone | (650) 493-9300 | Fax | (650) 493-6811 | |

ASSIGNEE: VVII NewCo 2003, Inc.

Name: NATHANIEL DAVID

Print [Signature]
 Signature

Title: _____

Date: 3-25-04